



Firearms Background Check Program Overview

March 1, 2023

Presented by:
Washington State Patrol Firearms Background Division

Laws

- RCW 43.43.580(1) established a state background check program managed by the Washington State Patrol for the processing of background checks for all firearm transfers and purchases
- RCW 43.43.585 establishes a Background Check Advisory Board to provide oversight on the establishment and operation of the state firearm background check system
- RCW 9.41.092 requires a ten day hold for all semiautomatic rifle (SAR) transfers
- RCW 9.41.111 requires dealers to follow the same background check process for frames and receivers as they do for all other firearms
- RCW 9.41.1135 requires dealers to utilize the state background check system for all firearm transfers after the system is operational

Fees

- RCW 43.43.580(4) requires dealers *to charge each firearm purchaser or transferee a fee for performing background checks in connection with firearms transfers. The fee must be set at an amount necessary to cover the annual costs of operating and maintaining the firearm background check system but shall not exceed eighteen dollars*
- All firearm background checks (long guns, ‘other’, handguns, SARs) will incur the \$18 fee to cover the cost of performing the enhanced background check
 - The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm
 - There is no exemption for non-profit entities
 - The current semiautomatic assault rifle (SAR) fee in RCW 9.41.090 (7) will stop being collected once an FFL has begun using the new system, as it will be replaced by the \$18 fee for all firearm background checks
- The \$18 fee will still be assessed even if the background check results in a denial
- The fee is ‘per transaction’, not ‘per firearm’
- FFLs will be invoiced monthly – not at the time of the background check
 - Payment will be to WSP via check or credit card (over the phone) once a month

Goals of the Program

- Improve public safety: All firearms will get the same enhanced background checks
 - FBI NICS
 - Currently, non-SAR/other only get this check
 - Enhanced background check elements (in addition to the FBI NICS check):
 - Mental health check
 - Local law enforcement records
 - Other arrests where the person was not fingerprinted
- Improve public safety by ensuring consistency of the check statewide
- Improve efficiency and reduce timeframes of the entire process by being centralized
- Full implementation no later than January 2024
 - Will begin implementation in July 2023 with a ‘soft launch’ of several FFLs
 - FFLs will be migrated to the new process over the course of several months
- Accommodate FFLs using point of sale systems by providing an Application Programming Interface (API) to conduct checks

Secure Automated Firearms E-Check (SAFE)

- SAFE is the system used by FFLs to submit their background checks
- The system is based on the data fields of the ATF Form 4473 and DOL Firearm Transfer Application to eliminate duplication of data entry
- Provides a secure online portal for FFLs to use for all background check submissions
 - Telephonic submission option
 - Real time dashboard providing current status of all submitted background checks
 - Allows for the printing of the ATF Form 4473 and Firearm Transfer Application (FTA)
 - Available application programming interface (API) for FFLs who are using a point of sale system
- Automated query approach
 - SAFE will check multiple data sources simultaneously
 - SAFE will have the ability to automatically proceed or deny checks based on specific criteria
 - This means most transferees (who have nothing in their background) will be proceeded quickly, likely the same day. Expecting to be much like NICS e-check timeframes
- Will provide monthly invoicing and statements for fee submissions to WSP
 - No longer will checks or the FTA form be mailed to Department of Licensing
 - Will NOT auto-debit a bank account or allow for payments to be made directly into SAFE

SAFE Development

- System developed by WSP vendor with significant input from FFL stakeholders to ensure a usable end product
 - “FFLs will WANT to use it...not HAVE to use it”
- Automated processes to replace manual job functions implemented wherever possible to increase efficiency
- Expected to have 35% or more automated adjudications
 - Much faster turnaround for enhanced background checks than currently experienced
- Online training available for both FFL and FFL employees to learn how to use SAFE

Data Privacy

- The Brady Act of 1993 requires law enforcement agencies – this includes the WSP, to destroy all personally identifiable information (PII) associated with any ‘proceeded’ firearm transaction within 24 hours
 - SAFE will ensure compliance with this requirement, while at the same time retaining all ‘denials’ for three years for appeal purposes
- Because WSP is a criminal justice agency, we are held to a high standard for data privacy and protection under the Criminal Justice Information Services (CJIS) Security Policy, as well as State of Washington requirements

Process – How it is today...



Hand Guns



“Other”



Non-semiautomatic Rifles



Semiautomatic Rifles



Shotguns



Local Law Enforcement Agency



FBI NICS



Process – How it will be once we go live...



All Firearms

Benefits of a centralized point-of-contact approach

- One place for FFLs to go for background checks
 - More consistent background checks
 - Better accountability
 - Dedicated personnel focusing on the background check process
- Streamlined submission process via an online portal
- SAFE will allow FFLs to check the status at any time in the process through the “dashboard”
- Potential for significantly reduced workload for FFLs
 - 4473 electronic signatures, if you have an ATF approved signature capture device
 - Electronic FTA
 - No paper copy to send DOL after you start using SAFE
 - No paper copy to retain in FFL file
 - No longer send checks to DOL to pay for SAR fees
 - No more submissions of denied persons to the Washington Association of Sheriffs and Police Chiefs (WASPC) portal

Questions or Comments?



360-704-7840

Firearms@wsp.wa.gov